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### **REMARKS**

In response to the Office Action mailed July 27, 2007 (hereinafter "Office Action"), claims 5, 21, 25 and 26 have been amended. Therefore, claims 5-6, 21-22, 24-26 and 40-41 remain pending of which claims 1-4, 7-18, 20 and 27-37 have been withdrawn from consideration due to an restriction requirement. Support for the instant amendments is provided throughout the as-filed specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

### **REJECTIONS UNDER 35 U.S.C. §102**

Claims 5-6, 21-22, 24-26 and 40 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,989,958 to Hamada *et al.* ("Hamada"). [Office Action, pg. 3]. Applicant respectfully traverses this rejection for at least the reason that Hamada neither explicitly nor impliedly discloses each of the elements of the claims.

A patent claim is anticipated if a prior art reference discloses, either expressly or inherently, all of the limitations of the claim. Applicant respectfully disagrees with the propriety of the rejection. However, solely in an effort to expedite prosecution, claim 5 has been amended to clarify points of novelty over Hamada. As such, claim 5 is directed to a variable-optical characteristic optical unit and recites, *inter alia*, a variable-focus optical element having a fluid portion, and an electrode adjacent to said fluid portion; and a power source unit and a driving circuit for driving said variable-optical-characteristic optical unit, wherein said power source unit or driving circuit includes a booster member that is connected to the power source unit and generates a voltage necessary in said driving circuit, wherein the booster member includes a transformer using a coil or a piezoelectric transformer, and said variable-optical-characteristic optical unit is capable of achieving optical deflection in claim 5.

With this said, Applicant points out that the cited portions of Hamada clearly fail to disclose each and every element of claim 5. In particular, the cited portions of Hamada describe a focus adjusting apparatus comprising an optical system including a lens 1 for sensing an image and a focus lens device 2. A solid state image sensor or CCD 3 converts an

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image by the optical system into an electrical signal, which is then converted to a predetermined video signal, such as a luminance signal, by a converting circuit 4. A automatic focusing circuit 5 monitors the output from the converting circuit 4, such as the high-frequency component of the luminance signal, and applies an output of the same level to a voltage applying circuit 11. The voltage applying circuit 11 then applies the necessary voltage to electrodes 8 and 9 based on the converting circuit 4 so that an in-focus condition can be maintained in the focus lens device 2. *See*, column 2, lines 49-57 and column 4, lines 50-60 of Hamada.

The invention as recited in claim 5 differs from the disclosure of Hamada in at least including a booster member that includes a transformer using a coil or a piezoelectric transformer that is connected to a power source. The Office Action alleges that the recited booster member is analogous to the image sensor or CCD 3 of Hamada. This allegation is incorrect. The booster member as recited in claim 5 is included in the power source unit or the driving circuit and is connected to the power source. The booster member is operable to generate a voltage necessary in the driving circuit to drive the variable-optical characteristic optical element. Moreover, the booster member includes a transformer using a coil or a piezoelectric transformer. In contrast, the CCD 3 of Hamada converts the image formed by the optical system (lens 1 and focus lens device 2) into an electric signal. The CCD 3 does not includes a transformer using a coil or a piezoelectric transformer. Therefore, the recited booster member is not analogous or equivalent to the CCD 3 of Hamada since they are functionally distinct.

Therefore, the cited portions of Hamada fail to anticipate claim 5 at least because they fail to disclose all the features of claim 5. Claims 6, 24 and 40 are patentable over Hamada at least by virtue of their dependency from claim 5, and for the additional features recited therein.

Claim 21 recites similar aspects as claim 5 and is allowable for at least similar reasons as discussed above with respect to claim 5, and for the features recited therein. Hamada fails to disclose a variable-optical-characteristic optical unit having a deformable optical surface as recited in claim 21. For example, the recited features including the control system further including booster member that is connected to a power source and operable to apply a voltage

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necessary for driving the variable-focus optical element, wherein the booster member includes a transformer using a coil or a piezoelectric transformer are missing from the disclosure of Hamada.

Claim 22 is patentable over Hamada at least by virtue of its dependency from claim 21 for the additional features recited therein.

Claim 25 recites an imaging system including a display unit comprising, *inter alia*, a variable-focus optical element, a power source unit and a driving circuit for driving said variable-focus optical element, a computing unit, an image pickup device, an imaging optical system, wherein said power source unit or said driving circuit includes a booster member that is connected to a power source, and generates a voltage necessary in said driving circuit, and a display configured to be in communication with and to display an output signal from the variable-focus optical element, said variable-focus optical element is capable of achieving optical deflection, said computing unit examines a high-frequency component of each image picked up while being defocused, and the position where the high-frequency component reaches a maximum is determined to be an in-focus position, and said variable-focus optical element is used for autofocusing of said imaging optical system.

Claim 26 recites an imaging system including a display unit, comprising, *inter alia*, a variable-focus optical element having a deformable optical surface, a control system for driving said variable-focus optical element, a computing unit, an image pickup device, an imaging optical system, wherein said control system includes a booster member that is connected to a power source, and operable to apply a voltage necessary for driving said variable-focus optical element, and a display configured to be in communication with and to display an output signal from the variable-focus optical element, said computing unit examines a high-frequency component of each image picked up while being defocused, and the position where the high-frequency component reaches a maximum is determined to be an in-focus position, and said variable-focus optical element is used for autofocusing of said imaging optical system.

The cited portions of Hamada fail to disclose a image system including a display unit wherein the display is configured to be in communication with and to display an output signal from the variable-focus optical element as recited in claims 25 and 26.

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Therefore, the cited portions of Hamada fail to anticipate claims 25 and 26 at least because they fail to disclose all the features of the claims. Claim 41 is patentable over Hamada at least by virtue of their dependency from claim 25 or 26, and for the additional features recited therein.

Thus, Applicant respectfully requests that the rejection of claims 5-6, 21-22, 24-26, 40 and 41 under 35 U.S.C. §102(b) be withdrawn and the claims be allowed.

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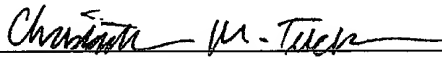
**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: October 29, 2007

Respectfully submitted,

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